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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,674	12/20/2001	Nigel Victor Spurr	60,130-1298	2299

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EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/022,674

Applicant(s)

SPURR ET AL.

Examiner

Carlos Lugo

Art Unit

3677

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 7 and 13-17.Claim(s) rejected: 1-6, 8-12 and 18-20.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: After reading applicant's arguments that Periou (US 4,802,350) fails to disclose the invention as claimed in claim 1, the rejection is maintained.

In the present arguments, same arguments presented in a telephone interview with the applicant representative, the applicant believe that Periou fails to disclose the first, second and third conditions of the power control means.

Periou discloses a latch arrangement including a latch (1), a manually actuatable element (13, 14, 16 and 17), a release mechanism (9, 12 and 19) and a power control means (15, 32 and 33). The latch is operable to releasably retain a striker (2) in use. The release mechanism is capable of being moved by the manually actuatable element from a latched position to an unlatched position, wherein it unlatches the latch. The power control means includes a first, second and third conditions.

At the first condition, the power control means is in a non-powered condition and actuation of the manually actuatable element does not cause the release mechanism to unlatch the latch. The power control means remains in said non powered condition during actuation of the manually actuatable element.

In Col. 2 Lines 10-17 and Col. 4 Lines 48-51, Periou discloses that if the electro-mechanism is not carrying current (Power Control Means in a non-powered condition), any attempt to open the door will fail.

At the second condition, the power control means is in a powered condition and actuation of the manually actuatable element does not cause the release mechanism to unlatch the latch.

In Col. 2 Lines 36-46, Periou discloses that if the electro-mechanism is carrying current (Power Control Means in a powered condition because of the anti-attack switch), any attempt to open the door (from the outside) will fail.

And at the third condition, the power control means is in a non-powered condition and actuation of the manually actuatable element causes the release mechanism to unlatch the latch (Col. 2 Lines 31-35 and Col. 6 Lines 26-38).

Therefore, Periou discloses that the power control means has first, second and third conditions as the applicant claims (see claim language). Until the applicant gives more specific limitations at this conditions, the rejection to the claims in view of Periou is maintained.



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